

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's motion to seal documents submitted in connection with Defendant's Motion to Compel and for Sanctions filed on February 28, 2022. Plaintiff seeks to seal this information on the ground it contains "sensitive business and technical information concerning Syngenta's manufacture, production, and sale of azoxystrobin and Syngenta's azoxystrobin business." (Mot. Seal [DE #561] at 2.) Where appropriate, Plaintiff has filed proposed redacted versions of the filings, omitting the portions it contends should not be available to the public.

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Plaintiff's interests in protecting against competitive and/or financial harm to Plaintiff were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable opportunity to object have been provided by the filing of its motion. Defendant filed a

response in opposition to Plaintiff's motion to seal, which it has since withdrawn (*see* Jt. Stip. Dismissal [DE #655] at 1 (withdrawing opposition to Plaintiff's motion to seal), and no other objections have been filed with the court. Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION


For the foregoing reasons, Plaintiff's Motion to Seal [DE #561] is GRANTED. It is ORDERED that the following documents be SEALED:

1. Defendant's Motion to Compel and for Sanctions [DE #492] and attached proposed order [DE #492-1]. Redacted versions of these filings are available at DE ##562-3, 562-4;
2. Defendant's Memorandum in Support of its Motion to Compel [DE #493]. A redacted version of this filing is available at DE #562-5;
3. Declaration of Robert J. Scheffel [DE #494]. A redacted version of this filing is available at DE #562-6;
4. Exhibits 1-63 to Declaration of Robert J. Scheffel [DE ## 494-2 to 494-64 and 544, 544-1 to 544-3]. Redacted versions of Exhibits 42-47, 50, 51, 56, and 58 are available at DE ##562-7 to 562-16;
5. Declaration of Dr. William W. Wood [DE #495]. A redacted version of this filing is available at DE #562-17;
6. Declaration of DeForest McDuff, Ph.D [DE #496]. A redacted version of this filing is available at DE #562-18;

7. Plaintiff's Response in Opposition to Defendant's Motion to Compel [DE #554]. A redacted version of this filing is available at DE #562-19; and

8. Exhibits 1-7 to Plaintiff's Response in Opposition to Defendant's Motion to Compel [DE ##560-1 to 560-7]. A redacted version of Exhibit 7 is available at DE #562-20.

This 30th day of September 2022.

A handwritten signature in black ink, reading "Kimberly A. Swank". The signature is written in a cursive style with a horizontal line underneath it.

KIMBERLY A. SWANK
United States Magistrate Judge